



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
6/541,489	10/13/83	NILSEN	0

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ALCONQUIN, IL 60102

EXAMINER	
MOORE, D	
ART UNIT	PAPER NUMBER
266	20

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

05/20/88

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- ☐ is extended to run _____ from the date of the Final Rejection
- ☐ continues to run _____ from the date of the Final Rejection
- ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☐ Applicant's response to the final rejection, filed _____, has been considered with the following affect, but it is not deemed to place the application in condition for allowance:
1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - ☐ They raise new issues that would require further consideration and/or search. (See Note).
 - ☐ They raise the issue of new matter. (See Note).
 - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☐ Upon the filing of an appeal, the proposed amendment ☐ will be ☐ will not be, entered and the status of the claims in this application would be as follows:

Allowed claims: _____

Claims objected to: _____

Claims rejected: _____

However:

- ☐ The rejection of claims _____ on references is deemed to be overcome by applicant's response.
 - ☐ The rejection of claims _____ on non-reference grounds only is deemed to be overcome by applicant's response.
4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection.
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☒ Other

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SUPERVISORY PATENT EXAMINER
GROUP 260

Art Unit 266

Applicant's petition under 37 CFR 1.181(a) is being treated as a request for reconsideration under 37 CFR 1.181(c).

Applicant states "the parent application Serial No. 541,489, which was filed on 11/13/83, has gone through what to Applicant seems like an inefficient as well as illegal process of examination.

In particular, decisions with respect to the patentability of the claimed invention appear to have been based on a process clearly inconsistent with law. Applicant explains the problems with which he is concerned.

The most important errors committed during the examination of the parent application were as follows:

(a) With reference to page 2 of the FWC, Examiner did not properly interpret the Patent Law.

(b) With reference to page 3 of the FWC, Examiner rendered legally binding opinions with respect to subject matter in which he appeared not to possess the skill reasonably required in order to be in a position to render such opinions".

In reply to applicant's comments the following points are noted. The inefficient and illegal process of examination that applicant alleges has been practiced by the examiner is incorrect. The decision of the examiner has been affirmed by the U.S. Patent Office Board of Appeals and Interferences and the United States Court of Appeals for the Federal Circuit. In affirming the examiner, both of these legal bodies adhered to the

Serial No. 541,489

-3-

Art Unit 266

grounds of rejection set forth by the examiner. Based on the collective findings of these tribunals, and the affirmance of the examiner's position, it is concluded that the examination process in this application was proper.

D. Moore:pdw

703-557-3321

5-17-88

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